

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 419 of 1996

Between:

R. Yesaiah S/o. R. Peter

..... PETITIONER

AND

The District Revenue Officer,
Mahabubnagar.

.....RESPONDENT

Counsel for the Petitioner: MR.A.GIRIDHAR RAO

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

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Being aggrieved by the proceedings No.D2/12672/1991, dated 30.09.1995 of the respondent canceling the Social Status Certificate earlier granted to him, petitioner filed this writ petition.

2. The main ground on which petitioner is attacking the impugned order is that as per the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and

Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993) (for short 'The Act'), it is the Collector, but not the respondent, is the competent authority to cancel the certificate issued to him.

3. The case of the respondent is that since the Act was not in force by the date on which the impugned proceedings were issued and since at that time G.O.Ms.No.117 SW (J.2), Department, dated 01.07.1989 was in force, petitioner is not entitled to any relief.

4. As per the Gazette Notification dated 15.05.1997 the Act came into force on 15.05.1997. The order impugned was passed on 30.09.1995 i.e. long prior to the date of coming into force of the Act. So, the contention of the petitioner that respondent is incompetent to pass the impugned order cannot be accepted, because as per the G.O. referred to in para 2 supra respondent is the competent authority to pass the order impugned.

5. Since a Division Bench of this Court in W.A.No.267 of 2003 dated 27.06.2003, while dealing with a petition in connection with issuance of the community certificate prior to coming into force of the Act, observed that the effected parties can file a revision under Section 8 of the Act. Similar benefit can be extended to the petitioner also.

6. Hence, the writ petition is disposed of with a direction to the petitioner to approach the State Government under Section 8 of the Act, within a period of four weeks from today. If the petitioner makes a request to the State Government for exercising its revisional power under Section 8 of the Act, the State Government shall consider such a prayer in accordance with law, and dispose of the revision petition of the petitioner, within a period of four months from the date of the petitioner filing the revision. No order as to costs.

(C.Y. SOMAYAJULU, J)

Date: 29.07.2005

Ksn